MINUTES (Recording is available) PLANNING COMMISSION FEBRUARY 1, 2018 LAKEWOOD CITY HALL

PRE-REVIEW MEETING 6:30 P.M. LOWER CONFERENCE ROOM

REGULAR MEETING 7:00 P.M. AUDITORIUM

The meeting was called to order at 7:00 p.m.

1. Roll Call

Members Present Kyle Baker Glenn Coyne, Vice Chair William Gaydos, Chairman Louis McMahon Monica Rossiter

Others Present

Bryce Sylvester, Director, Planning and Development Katelyn Milius, City Planner, Secretary Jennifer Swallow, Chief Assistant Law Director Mark Papke, City Engineer

2. Approve the Minutes of the January 4, 2018 meeting

A motion was made by Mr. McMahon, seconded by Mr. Coyne to **APPROVE** the minutes of the January 4, 2018 meeting as amended. All of the members voting yea, the motion passed.

Opening Remarks

Ms. Milius read the Opening Remarks.

NEW BUSINESS DESIGNATE AS HISTORIC

Docket No. 02-03-18
 11730 Detroit Avenue
 Reidy Bros. & Flanigan Furniture Co.

Lakewood Heritage Advisory Board, advisory to the Planning Commission, presents an application and recommendation to designate the property located at 11730 Detroit Avenue, Reidy Bros. & Flanigan Furniture Co., (PP# 312-33-016) as an historic property (HP), pursuant to Chapter 1134. The property is located in a C3 - Commercial, General Business district. (Page 3)

Richard Sicha, Lakewood Heritage Advisory Board was present to explain the request.

City administration was in support of the designation. The building owner was heard from at the previous meeting in support of the designation. The Commission members were in full support of the proposal as it fulfilled the intent of the ordinance. Public comment was closed. City administration asked for and received clarification that the designation applied to the exterior of the building only.

A motion was made by Mr. Baker, seconded by Mr. Coyne to **DESIGNATE** as historic the property located at 11730 Detroit Avenue (exterior only). All of the members voting yea, the motion passed.

OLD BUSINESS

Prior to the presentation, Mr. McMahon made comments for the record:

- Comments should be carried forward from previous Medical Marijuana Dispensary Applications and applied to the next three docket items.
- The applications before the Commission members were not precedence setting either going forward or to each other.
- The process is an evolving one.
- This round there could be up to five in medical marijuana dispensaries in Cuyahoga County.

CONDITIONAL USE

5. Docket No. 12-31-17 13415 Madison Avenue Ohio Wellness LLC

Fabio Salerno, Ohio Wellness LLC, applicant requests the review and approval of a Conditional Use in order to operate the Ohio Wellness LLC medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district. This item was deferred from the December and January meetings. (Page 22)

Andrew Czarzasty, representative for the applicant was present to explain the request.

The Commission members asked about security, deliveries, transfer of money, number of clients seen on a daily basis.

City administration said this proposal was within 1,000 feet from a previously approved medical marijuana business, Great Lakes Medicinal, Inc., inquired about the ownership of on-site parking spaces, stated the current security plan was being reviewed by the Chief of Police and would be part of the licensing review. The Commission was assured that a security guard would be on premises as long as one or more personnel were there. City administration asked about the anticipated number of patients on a daily basis once the business was established, and the maximum number of employees.

Public comment was taken. Assurances were giving that the money would be transported in a secure manner, and that there would not be any outdoor seating as shown in a previous rendering.

A motion was made by Mr. McMahon, seconded by Mr. Baker to APPROVE the application with the following conditions:

- The security plan is approved by the Chief of Police,
- A security guard will be onsite for all operating hours,
- The building is renovated to code with ABR approval and signage is ABR approved,
- There is an appropriate parking plan on file,
- . Comply with a city business licensing requirements,
- Compliant with all state codes and licenses granted,
- · Mandatory one year annual review,
- The Conditional Use permit will be automatically revoked if any applicant to whom the Commission previously granted a conditional use permit for a medical marijuana dispensary:
 - 1. Has obtained both a state dispensary license and a local dispensary license; and

2. Would have its dispensary located within 1,000 feet of the dispensary to be operated by this applicant.

All of the members voting yea, the motion passed.

6. Docket No. 12-32-17 13415 Madison Avenue ATCL-5 dba: Curated Leaf

Adam Thomarios, ATCL 5 dba Curated Leaf, applicant requests the review and approval of a Conditional Use in order to operate the ATCL 5 dba Curated Leaf medical marijuana business approximately 2,920 sq. ft. with 12 parking spaces on site; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district. This item was deferred from the December and January meetings. (Page 29)

Adam Thomarios, ATCL 5 dba Curated Leaf, applicant was present to explain the request.

City administration said this proposal was within 1,000 feet from a previously approved medical marijuana business, Great Lakes Medicinal, Inc. Discussion continued about ownership of the parking lot and the availability of additional onsite parking at the adjacent property. After review of the parking plan by the Chief of police, no comments had been made to the administration. There would be two security guards onsite during hours of operation.

Public comment was closed. City administration asked about the approximate daily number of patients and said an efficient off-street parking plan would be needed, and approval was required by ABR for parking lot design. The applicant will attempt to add more spaces if it is feasible. The Commission members were advised that Chapter 1143 was under their purview for the review of the parking plan for safety of the community and business.

Public comment was opened and taken.

A motion was made by Mr. McMahon, seconded by Mr. Coyne to **APPROVE the application with the following conditions:**

- The security plan is approved by the Chief of Police,
- A security guard will be onsite for all operating hours,
- The building is renovated to code with ABR approval and signage is ABR approved,
- There is an appropriate parking plan on file; that includes a parking lot design that ABR has determined maximizes parking onsite while maintaining traffic flow,
- · Comply with a city business licensing requirements,
- · Compliant with all state codes and licenses granted,
- · Mandatory one year annual review,
- The Conditional Use permit will be automatically revoked if any applicant to whom the Commission previously granted a conditional use permit for a medical marijuana dispensary:
 - 1. Has obtained both a state dispensary license and a local dispensary license; and
 - 2. Would have its dispensary located within 1,000 feet of the dispensary to be operated by this applicant.

All of the members voting yea, the motion passed.

7. Docket No. 12-34-17 15408 Madison Avenue The Forest Lakewood Erik Vaughan, The Forest Lakewood, LLC, applicant requests the review and approval of a Conditional Use in order to operate The Forest Lakewood, LLC medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district. This item was deferred from the December and January meetings. (Page 34)

Erik Vaughan, The Forest Lakewood, LLC, applicant was present to explain the request.

The Commission members asked about the parking agreement between the applicant and Wobblefoot Gallery. There were still concerns about ingress/egress because of the narrowness of the drive-thru from/onto Madison Avenue as it was a safety issue for pedestrians and vehicles to utilize. The business to the east currently used the rear lot and ingress/egress. The patients' safety was a major concern.

City administration reiterated prior comments. Business development had increased on Madison Avenue over the past few years increasing a deficiency in available parking as documented in the 2013 Uptown Parking Study. The concern was the interior circulation of parking lot traffic, both vehicular and pedestrian. The parking code sections referenced during the discussion was Chapter 1143.02 (c) and 1143.09.

Public comment was taken. There was discussion among Commission members and city administration regarding options. They were not opposed to the business but harbored major concerns about parking – safety of vehicular and pedestrian traffic.

A motion was made by Mr. McMahon, seconded by Ms. Rossiter to **DENY** the request due to insufficient parking and circulation. All of the members voting yea, the motion passed.

Items 8, 9, and 10 were tabled to later in the meeting as neither the applicants nor representatives were present. The Commission members inquired of the Law Department as to what the requirements were.

NEW BUSINESS ADD-ON DESIGNATE AS ELIGIBLE

11. Docket No. 02-07-18
13314 Detroit Avenue
Detroit-Clarence Medical Building

Lakewood Heritage Advisory Board, advisory to the Planning Commission, presents an application and recommendation to designate the property located at 13314 Detroit Avenue, Detroit-Clarence Medical Building, (PP# 312-31-052) as eligible to become an historic property (HP), pursuant to Chapter 1134. The property is located in a C3 - Commercial, General Business district. (Page 77)

Richard Sicha, Lakewood Heritage Advisory Board was present to explain the request.

City administration reiterated the Considerations for Nomination eligibility. There was discussion among the Commission members as to whether the building met or did not meet the criteria for eligibility. Lakewood was a street car community, not a railway suburb.

Public comment was taken. Heather Rudge defined the proposal further.

A motion was made by Mr. Gaydos, seconded by Mr. Baker to **RECOMMEND** as eligible. The question was raised about the proposed use of the building upon completion of its sale, it was disclosed it would be used for many purposes by the Lakewood Historical Society.

Mr. Gaydos amended his motion relative to Considerations for Nominations 1, 4, 8 and Additional Considerations 1 and 2 to **RECOMMEND** as eligible for nomination, and it was seconded by Mr. Baker. Mr. Baker, Mr. Coyne, Mr. Gaydos voting yea, and Mr. McMahon and Ms. Rossiter voting nay, the motion passed.

After reviewing the Ordinances, Zoning Codes and Rules and Regulations for the Planning Commission, Ms. Swallow stated there was no requirement for the applicant to be present at the meeting; the requirement was for a statement to be provided. It was as the discretion of the Commission members.

LOT CONSOLIDATION

Docket No. 02-04-18
 11906 Madison Avenue
 Nelson Berry Property Holdings, LLC

Dvora Nelson Jeter, Nelson Berry Property Holdings, LLC, applicant requests the review and approval for the consolidation of two parcels (PPN 315-15-026 and PPN 315-15-027), pursuant to section 1155.06 - procedures for lot consolidations and resubdivisions. The property is located in a C2 - Commercial, Retail district. (Page 40)

The applicant was not in attendance. Ms. Milius informed the members previously that she had not heard from the applicant.

City administration supported the request. The Commission members had no questions or comments. Public comment was closed

A motion was made by Mr. McMahon, seconded by Mr. Coyne to **APPROVE** the request. All of the members voting yea, the motion passed.

CONDITIONAL USE

9. Docket No. 02-05-18 18401 Detroit Avenue Molto Bene

Gonzalo Egozcue, Gelato Star, applicant the request and approval for outdoor dining, pursuant to sections 1129.02 - principal and conditional permitted uses. The proposal will be reviewed on February 8, 2018 by the Architectural Board of Review. The property is located in a C2, Commercial and Retail district. (Page 48)

The applicant was not in attendance. Ms. Milius informed the members previously that she had not heard from the applicant.

The Commission members felt the presence of the applicant and/or representative was required at the meeting for proper discussion of the request as each proposal for outdoor dining differed.

A motion was made by Mr. Coyne, seconded by Mr. Baker to **DEFER** the request **until the March 1, 2018 meeting**. All of the members voting yea, the motion passed.

10. Docket No. 02-06-1813457 Madison AvenueCleveland Tattoo Company

Tom Karakostas, applicant the review and approval for the operation of a tattoo shop, pursuant to section 1129.02 - permitted and conditional permitted uses; the property is located in a C3, Commercial and General Business district. (Page 62)

The applicant was not in attendance. Ms. Milius informed the members previously that she had not heard from the applicant.

Because this was the first tattoo business to apply in the City of Lakewood since passage of the ordinance, the Commission members said it was imperative for the applicant and/or representative to be at the meeting.

A motion was made by Mr. Coyne, seconded by Mr. McMahon to **DEFER** the request **until the March 1, 2018 meeting**. All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. McMahon, seconded by Mr. Baker to **ADJOURN** the meeting at 9:04 p.m. All of the members voting yea, the motion passed.

Signature On behalf of chair

Date





Oath

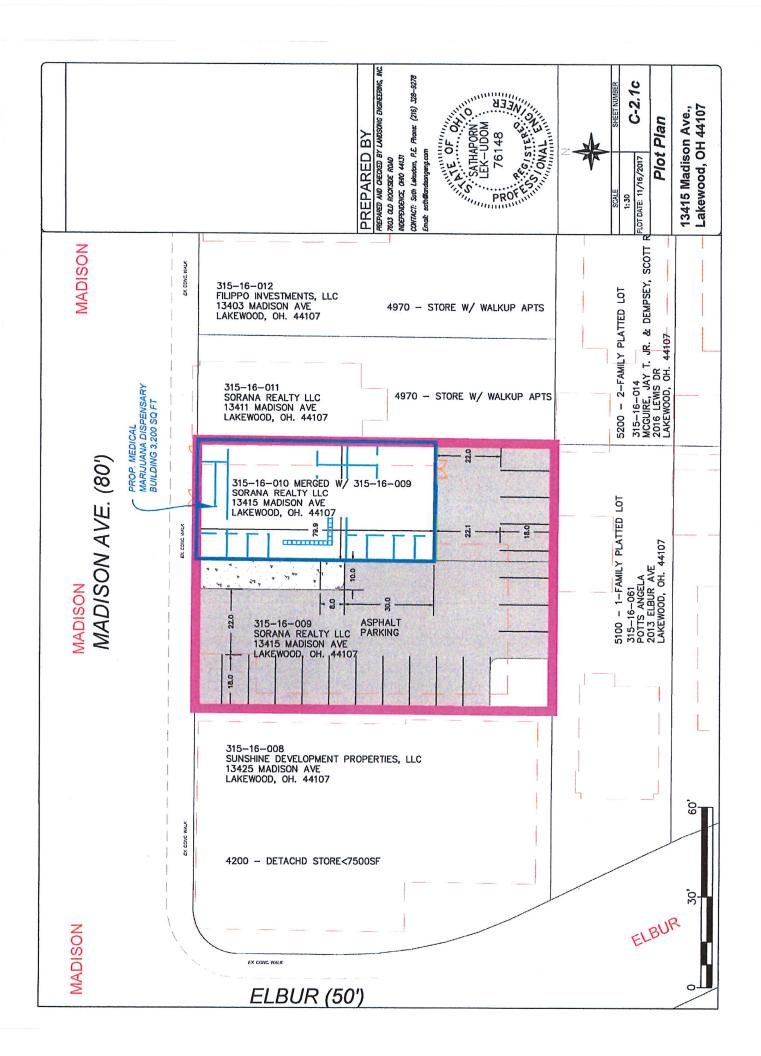
(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:	SIGN NAME:
1. KICHARD SICHA LHH	B Kulul Qula
2 Blake Behry	BLAKE BEHARRY
3. Andrew Czarzasty	
4. Adem Womenes	
5. Etil Vayel	44
6 trister Rach	
7. Justin Judge	Halle Judge
8. Dy 3/12	Gray Palumbo
9	
10	
11	
Prepared by: The City of Lakewood Law Departm	ent, 12650 Detroit Ave., Lakewood, Ohio 44107
	E ONLY
Lakewood Administrative Procedure: ☐ ABR/BBS ☐ Citi Tax Appeals ☐ Loan Approval ☐ Nuisance Abatement App	
Date of Proceeding: Thursday Feb	ruary 1, 2018



13415 MADISON AVENUE - LAKEWOOD, OHIO 44107



Substitute for Ord. No. 31-17. 1st reading 9/5/17 referred to Health and Human Services Committee and Planning Commission. 2nd Reading 9/18/17.

ORDINANCE NO. 31-17

BY: Anderson, Bullock, Litten, Marx, Nowlin, O'Leary, O'Malley.

AN ORDINANCE repealing Chapter 1793, Tattooing, amending Schedule 1129.02, Permitted Uses in Commercial Districts, and creating new Section 1161.03(XX), Supplemental Regulations for Specific Uses (Body Art Establishments), of the Codified Ordinances of the City of Lakewood in order to permit tattoo studios as a conditional use in commercial districts within the City of Lakewood.

WHEREAS, the Codified Ordinances stand to be amended to permit tattoo studios, the code's regulation of which was last substantively updated in 2008; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Chapter 1793, Tattooing, of the Lakewood Codified Ordinances, currently reading as follows:

CHAPTER 1793 Tattooing

1793.01 DEFINITIONS.

As used in this chapter:

- (a) "Tattoo", "tattooed" or "tattooing" refer to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.
- (b) "Tattoo establishment" means the location wherein tattooing is performed.
- (c) A tattoo establishment will not be considered a Type B Home Occupation and shall be limited to a Commercial District.

1793.02 REQUIREMENTS.

Each person who operates a tattooing establishment shall comply with the requirements as stated in Ohio Administrative Code Chapter 1307-9 and the following requirements:

- (a) Tattooing must be performed by a medical doctor licensed to practice medicine in the State of Ohio, or by an operator under the direction and supervision of a medical doctor licensed to practice medicine in the State of Ohio.
- (b) Any medical doctor retained by a tattoo establishment pursuant to subsection (a) hereof, shall annually register with the Mayor or Director of Public Safety of the City of Lakewood prior to performing or supervising tattoo operations.
- (c) Any person who violates subsection (a) hereof is guilty of a misdemeanor of the first degree. Subsection (a) hereof shall be enforced by the Director of Public Safety or designee, the Division of Police, or any public health official.

1793,03 RECORD KEEPING.

Permanent records of each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing operation begins, the patron or customer shall be required to enter, on a record form provided for such establishments, the date, his or her name, address, age, and his or her signature. This data will be verified by requiring the patron to produce a valid state driver's license or other form of picture identification. The physician performing or supervising the tattoo must affix his/her name to the record form and sign a statement verifying the performance of the duties required under this Chapter. Such records shall be maintained in the tattoo establishment and shall be available for examination by the Mayor or Director of Public Safety. Records shall be retained by the operator or licensee for a period of not less than five (5) years. In the event of a change of ownership or closing of the business, all such records shall be retained by the proprietor and made available to the Mayor or Director of Public Safety upon request.

1793.99 PENALTY.

- (a) The provisions of this chapter shall apply to all tattoo establishments and/or tattoo operators which are currently in existence, or which may come into existence after the effective date of this chapter. The provisions of this chapter shall not apply to a physician licensed to practice medicine in the State of Ohio who is tattooing for a medical purpose.
- (b) In the event of conflict between any provisions of this chapter or the Ohio Revised Code, including any rules and regulations adopted pursuant to this chapter or the Ohio Revised Code, and any provisions of City ordinances, including any rules and regulations adopted pursuant to such ordinances, that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the people shall govern.
- (c) Whoever violates this regulation shall be subject to the penalties of Ohio Revised Code 3709.99 or Ohio Revised Code 3707.02, unless otherwise specified in this chapter

is hereby repealed.

Section 2. Schedule 1129.02, Permitted Uses in Commercial Districts, currently reading as follows:

able for single use and shall not autoclave, sterilize or reuse any equipment which is available as a single-use item;

- (3) The owner or manager of the establishment shall be a body artist as qualified under the Ohio Administrative Code with not less than three years' documentable experience within the last 10 years not including any apprenticeship period. Acceptable documentation of experience shall be submitted with the application for conditional use permit and shall include but not be limited to employment records, references, and proof of ownership of another body art establishment;
- (4) No body art establishment shall be located within 500 feet of a school, playground or park or within 2,500 feet of another body art establishment;
- (5) The owner of the establishment shall submit proof of general liability insurance in the amount of \$1 million along with its application for conditional use permit;

(5)

- (6) Time-limited or special-event body art establishments shall not be permitted;
- (7) No electronic signage shall be permitted at a body art establishment and only the business name may be permitted on any signage;
- (8) Body art establishments shall only be permitted to operate between the hours of 8:00 a.m and 9:00 p.m.;
- Body art establishments shall dispose of all infectious waste through a qualified contractor, no infectious waste shall be disposed of with regular waste generated by the establishment

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: November 20 2017

Approved: Movember 24, 2017

MAYOR

	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL
RESIDENTIAL				
Single-Family/Two-Family Dwellings	-	-	-	С
Multi-Family Dwellings	-	C ¹	C ¹	\mathbf{C}^1
Mixed Use Structure	P	P	P	C^7
Hotels/Motels	-	-	P	C ⁷
Groups/Convalescent/Nursing/Assisted Living	С	С	P	C^7
Day-Care Centers (6+ children)	P	P	P	C ⁷
Bed and Breakfast Establishment	С	С	С	С
INSTITUTIONAL				
Funeral Homes	-	С	P	C ⁷
Places of Worship	С	С	С	C ⁷
Elementary/Secondary Schools	P	P	P	С
Trade/Vocational Schools	-	С	P	C ⁷
Colleges	С	P	P	C ⁷
Libraries	С	P	P	C ⁷
Hospitals	С	С	P	C ⁷
Public Parks and Playgrounds	С	С	С	C ⁷
Parking Facility as a Principal Use	P	P	P	C ⁷
ENTERTAINMENT				
Indoor Commercial Recreation	-	С	P	C ⁷
Theaters, Banquet Hall, Party Center	-	С	P	C ⁷
Studios for Instruction	-	P	P	C ⁷
Fraternal Organizations	-	С	P	C ⁷
Museum/Art Gallery	P	P	P	C ⁷
Auditorium	-	С	P	C ⁷
FOOD AND BEVERAGE SERVICES				
Restaurant seated Table Service	P ²	P	P	C ⁷
Restaurants – Fast Food	C ²	P	Р	C ²
Bar, Tavern, Nightclub	C^2	P	P	C ²

Outdoor/Seasonal Dining Facility	C ³	C ³	C³	C ^{3, 7}
PROFESSIONAL SERVICES				
Offices Including:				
Business, Medical, and Government	P	P	P	C^7
Medical Clinics/Urgent Care Facility	С	С	P	C ⁷
Radio/TV/Video/Audio Production	С	С	P	C ⁷

	C1 OF- FICE	C2 RE- TAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOO L
RETAIL/SERVICE USES				
General Retail Including:				
Book and Stationery Stores,	P	P	P	C ⁷
Apparel Stores, Florists,	P	P	P	C7
Antique Stores, Sporting Good Stores	P	P	P	C ⁷
Jewelry Stores,	P	P	P	C ⁷
Second Hand and Resale Stores,	P	P	P	C_{J}
Specialty Gift Stores,	P	P	P	C ⁷
Retail Variety Stores, and	P	P	P	C ⁷
Floor Coverings.	P	P	P	C ⁷
Media Stores	P ⁴	P ⁴	P ⁴	C ⁷
Sexually Oriented Businesses Including:				
Adult Arcades,	P ⁵	P ⁵	P ⁵	-
Adult Cabarets,	P ⁵	P ⁵	P ⁵	-
Adult Media Stores,	P ⁵	P ⁵	P ⁵	-
Adult Novelty Stores, ⁶	P ⁵	P ⁵	P ⁵	-
Adult Motion Picture Theaters,	P ⁵	P ⁵	P ⁵	-
Adult Theaters,	P ⁵	P ⁵	P ⁵	-
Nude Model Studios,	P ⁵	P ⁵	P ⁵	-
Sexual Encounter Centers,	P ⁵	P ⁵	P ⁵	-
Any combination of above.	P ⁵	P ⁵	P ⁵	-
Service Retail, Including:				
Printing Services,	C ²	P	P	C 2,7

Shoe Repair,	C ²	P	P	C 2,7
Photographic Studios,	C 2	P	P	C 2,7
Tailoring, Dress Making and	C ²	P	Р	C 2,7
Dry Cleaning,	C²	P	P	C 2, 7
Upholstery.	C ²	P	P	C 2, 7
Convenience Retail, Including:				
Bakeries, Grocery,	P	Р	P	C 7
Supermarkets,	P	P	P	C 7
Beverage Stores including	P	P	Р	C 7
Liquor, Film/Video Rental, and Drug Stores.	P	P	P	C 7

	C1 OF- FICE	C2 RE- TAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOO L		
Hard Goods Retail Including:						
Automotive Part and Supplies,	-	P	P	C ⁷		
Furniture Sales,	-	P	P	C ⁷		
Hardware and Locksmith Services,	-	P	P	C ⁷		
Garden Supplies, Nurseries,	-	P	P	\mathbf{C}^7		
Lumber and Building Supplies,	_	P	P	C ⁷		
Appliance Repair and Sales, and	-	P	P	\mathbf{C}^7		
Display and Showrooms for any	-	P	P	C^7		
Building Product.	-	Р	P	C ⁷		
Personal Care Services Including:		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
Barber and Beauty Shops,	C ²	P	Р	C 2, 7		
Cosmetology and Cosmetic Salons,	C ²	P	P	C 2, 7		
Diet Counseling Centers,	C 2	P	P	C 2, 7		
Electrolysis Services,	C ²	P	Р	C 2, 7		
Fingernail and Tanning Salons, and	C 2	P	P	C 2, 7		
Massotherapy Services.	C 2	P	P	C 2,7		
OTHER RETAIL/SERVICES Including:	OTHER RETAIL/SERVICES Including:					
Animal Clinics/Hospitals,	-	С	P	C ⁷		
Veterinarian Offices, and	-	С	P	C ⁷		

Grooming Services.	_	С	P	C ⁷		
LAUNDROMAT	_	P	P	C ⁷		
STORAGE WHOLESALE/UTILITY Including:						
Warehousing,	-	-	С	-		
Wholesale Trade Operations,	-	-	С	-		
Self-Storage Facility.	-	•	С	_		
AUTOMOTIVE SERVICES						
Gasoline Service Station	_	С	P	-		
Motor Vehicle Sales and Leasing	_	С	P	-		
Motor Vehicle Repair Shop	-	С	С	-		
Motor Vehicle Rental or Leasing Agency	С	С	С	-		
Motor Vehicle Washing/Detailing Facility	· -	С	С	-		

SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS (Cont.)					
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL	
INDUSTRIAL Including:					
Manufacturing, Processing,	-	u	С	-	
Assembly, and/or Packaging Plant.		-	С	-	
Light Industrial (as above, no more than 1,000 sq.ft. or five [5] employees.)	-	С	P	-	
DRIVE-THROUGH FACILITY	С	С	С	-	

is hereby repealed.

Section 3. New Schedule 1129.02, Permitted Uses in Commercial Districts, is hereby enacted to read as follows:

SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS				
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL
RESIDENTIAL				
Single-Family/Two-Family Dwellings	-	-	_	С

Multi-Family Dwellings	_	C ¹	C¹	C^1
Mixed Use Structure	P	₽	P	C^7
Hotels/Motels		-	P	\mathbf{C}^7
Groups/Convalescent/Nursing/Assisted Living	С	С	P	C ⁷
Day-Care Centers (6+ children)	P	Р	P	C^7
Bed and Breakfast Establishment	С	С	C	С
INSTITUTIONAL				-
Funeral Homes	_	С	P	C ⁷
Places of Worship	С	С	С	C ⁷
Elementary/Secondary Schools	P	Þ	P	С
Trade/Vocational Schools	-	С	P	\mathbf{C}^7
Colleges	С	Р	P	C ⁷
Libraries	С	P	P	C ⁷
Hospitals	С	С	P	C ⁷
Public Parks and Playgrounds	С	С	С	C ⁷
Parking Facility as a Principal Use	P	P	P	C ⁷
ENTERTAINMENT				
Indoor Commercial Recreation	-	С	P	C ⁷
Theaters, Banquet Hall, Party Center	-	С	P	C ⁷
Studios for Instruction	-	P	P	C ⁷
Fraternal Organizations	-	С	P	C ⁷
Museum/Art Gallery	P	P	P	C ⁷
Auditorium	-	C	P	C ⁷
FOOD AND BEVERAGE SERVICES				
Restaurant seated Table Service	P^2	P	P	C ⁷
Restaurants – Fast Food	C ²	P	P	C ²
Bar, Tavern, Nightclub	C ²	P	P	C ²
Outdoor/Seasonal Dining Facility	C ³	C ³	C ₃	C3,7
PROFESSIONAL SERVICES				
Offices Including:				
Business, Medical, and Government	P	P	Р	C ⁷
Medical Clinics/Urgent Care Facility	С	. C	P	C ₁
Radio/TV/Video/Audio Production	С	С	P	C ⁷

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	C1 OF- FICE	C2 RE- TAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOO L
RETAIL/SERVICE USES				
General Retail Including:				
Book and Stationery Stores,	P	P	P	C ⁷
Apparel Stores, Florists,	P	P	Р.	C ₃
Antique Stores, Sporting Good Stores	P	P	P	C ⁷
Jewelry Stores,	P	P	P	C ⁷
Second Hand and Resale Stores,	P	P	P	C ⁷
Specialty Gift Stores,	P	P	P	C_{1}
Retail Variety Stores, and	Р	P	P	C ⁷
Floor Coverings.	P	P	P	C ⁷
Media Stores	P ⁴	P ⁴	P ⁴	C ⁷
Sexually Oriented Businesses Including:				
Adult Arcades,	P ⁵	P ⁵	P ⁵	-
Adult Cabarets,	P ⁵	P ⁵	P ⁵	-
Adult Media Stores,	P ⁵	P ⁵	P ⁵	
Adult Novelty Stores, ⁶	P ⁵	P ⁵	P^5	-
Adult Motion Picture Theaters,	P ⁵	P ⁵	P ⁵	-
Adult Theaters,	P ⁵	P ⁵	P ⁵	_
Nude Model Studios,	P ⁵	P ⁵	P ⁵	-
Sexual Encounter Centers,	P ⁵	P ⁵	P ⁵	-
Any combination of above.	P ⁵	P ⁵	P ⁵	
Service Retail, Including:	***************************************			
Printing Services,	C ²	P	P	C 2,7
Shoe Repair,	C ²	P	P	C 2,7
Photographic Studios,	C ²	P	P	C 2,7
Tailoring, Dress Making and	C ²	P	P	C 2,7
Dry Cleaning,	C ²	P	P	C 2,7
Upholstery.	C ²	Р	Р	C 2,7
Body Art Establishment	<u>C</u>	<u>C</u>	<u>C</u>	-

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Convenience Retail, Including:				
Bakeries, Grocery,	P	P	P	C 7
Supermarkets,	P	P	P	C 7
Beverage Stores including	Р	P	P	C 7
Liquor, Film/Video Rental, and Drug Stores.	P	P	P	C 7

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	C1 OF- FICE	C2 RE- TAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOO L		
Hard Goods Retail Including:						
Automotive Part and Supplies,	-	P	Р	C ⁷		
Furniture Sales,	-	P	P	C_{λ}		
Hardware and Locksmith Services,	-	P	P	\mathbf{C}^7		
Garden Supplies, Nurseries,	1	P	P	C^7		
Lumber and Building Supplies,	-	P	P	C ⁷		
Appliance Repair and Sales, and	-	P	P	C ⁷		
Display and Showrooms for any	-	P	P	C ⁷		
Building Product.	_	P	P	C ⁷		
Personal Care Services Including:						
Barber and Beauty Shops,	C 2	P	P	C 2,7		
Cosmetology and Cosmetic Salons,	C 2	P	Р	C 2, 7		
Diet Counseling Centers,	C 2	P	P	C 2, 7		
Electrolysis Services,	C 2	P	P	C 2, 7		
Fingernail and Tanning Salons, and	C 2	P	P	C 2,7		
Massotherapy Services.	C ²	P	P	C 2, 7		
OTHER RETAIL/SERVICES Including:						
Animal Clinics/Hospitals,	-	С	P	C ⁷		
Veterinarian Offices, and	-	С	Р	C ⁷		
Grooming Services.	-	С	P	C ⁷		
LAUNDROMAT	-	Р	Р	C ⁷		
STORAGE WHOLESALE/UTILITY Including:						
Warehousing,	-	p=	С	_		
Wholesale Trade Operations,	-	-	С	_		

Self-Storage Facility.			С			
AUTOMOTIVE SERVICES						
Gasoline Service Station	-	С	P	-		
Motor Vehicle Sales and Leasing	-	С	Р	-		
Motor Vehicle Repair Shop	-	С	С	-		
Motor Vehicle Rental or Leasing Agency	С	С	С	-		
Motor Vehicle Washing/Detailing Facility	_	С	С	-		

SCHEDULE 1129.02: PERMITTED USES IN COMMERCIAL DISTRICTS (Cont.)						
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL		
INDUSTRIAL Including:						
Manufacturing, Processing,	-	-	С	-		
Assembly, and/or Packaging Plant.	*	=	С	-		
Light Industrial (as above, no more than 1,000 sq.ft. or five [5] employees.)	-	С	P.	-		
DRIVE-THROUGH FACILITY	С	С	С	-		

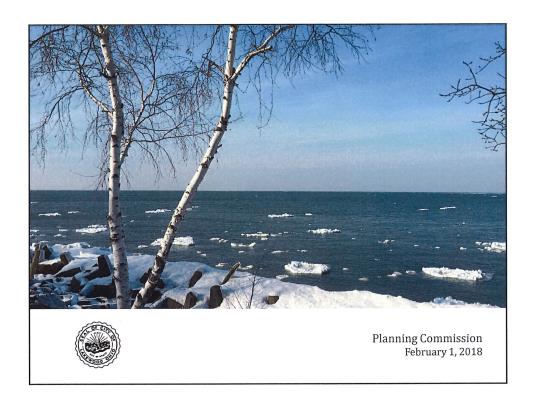
Section 3. New Subsection 1161.03(XX), Supplemental Regulations for Specific Uses (Body Art Establishments), is hereby enacted to read as follows:

1161.03 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.

(XX) <u>Body Art Establishments.</u> In a C1 Office, C2 Retail or C3 General Business District a body art establishment, as defined by the Ohio Administrative Code, may be a conditionally permitted use provided that:

- (1) The body art establishment meets all requirements regulating such establishments and services as prescribed by the Ohio Administrative Code;
- (2) In addition to the requirements of the Ohio Administrative Code, the body art establishment shall only use single-use marking instruments, microblading pens, containers for ink, pigment or dyes, and any other equipment that is avail-



Request

1134.03(b): Designation of a Historic Property

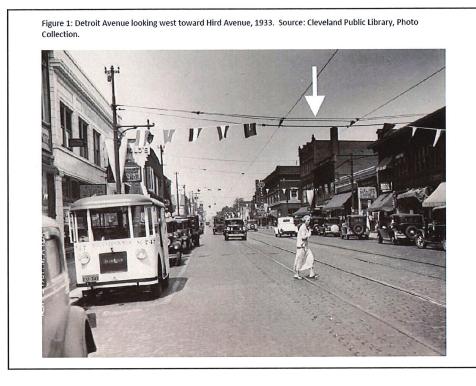
The Heritage Advisory Board may propose to the Commission nominations of a building as an HP Proposals for nomination must be on one or more standard publicly available forms promulgated by the Heritage Advisory Board. A proposal for nomination shall specify which specific site improvements are included in the proposal for nomination, and any improvements not specified shall be deemed not to have been nominated.

11730 Detroit Avenue Reidy Bros. & Flanagan Furniture Co. Designation of a Historic Property

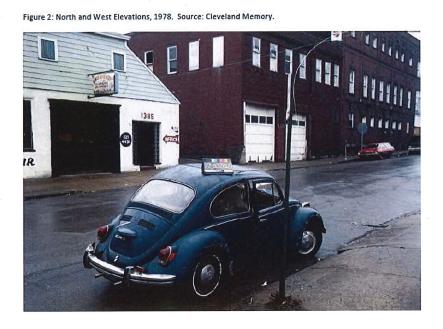


11730 Detroit Avenue Reidy Bros. & Flanagan Furniture Co. Designation of a Historic Property











Considerations for Nomination: (Check all that apply to the property) [Mass character, interest or value as part of the heritage of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the heritage of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the heritage of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the heritage of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the heritage of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the heritage of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the heritage of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the North City, region, State of Ohio or United States; [Mass character, interest or value as part of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the City, region, State of Ohio or United States; [Mass character, interest or value as part of the City, region, States of Ohio or United States or Value as part of the City, region, States of Ohio or United States or Value as part of the City, region, States of Ohio or United States or Value as part of the City, region, States of Ohio or United States or Value as part of the City, region, States or Value as part of the City, region or Value as part of t

(3) Associated with a person or persons who significantly contributed to the historic development of the City;

(4) Exemplifies the cultural, economic, social, archeological, or historic heritage of the City;

 (5) Reflects the environment of a group of people in an era of history characterized by a distinctive architectural style;

 (6) Reflects distinguishing historical characteristics of a group of people in an era of history characterized by a distinctive architectural style;

(7) The work of an architect or master builder whose individual work has influenced the development of the City;

 (8) Embodies elements of architectural design, detail, materials or craftsmanship which represent a significant architectural style or technological innovation;

 (9) Possesses a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City;

[(10) The likelihood of yielding information important to the understanding of prehistory or history.

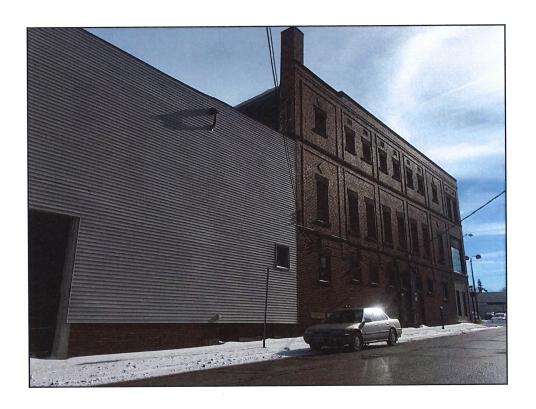
Additional Considerations: (Must meet both for eligibility)

(2) Must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development, a shared architectural style or design, or a body of architecture illustrating the evolution of architectural styles over a period of time.

11730 Detroit Avenue Reidy Bros. & Flanagan Furniture Co. Designation of a Historic Property







Request

1134.03(b): Designation of a Historic Property

The Heritage Advisory Board may propose to the Commission nominations of a building as an HP Proposals for nomination must be on one or more standard publicly available forms promulgated by the Heritage Advisory Board. A proposal for nomination shall specify which specific site improvements are included in the proposal for nomination, and any improvements not specified shall be deemed not to have been nominated.

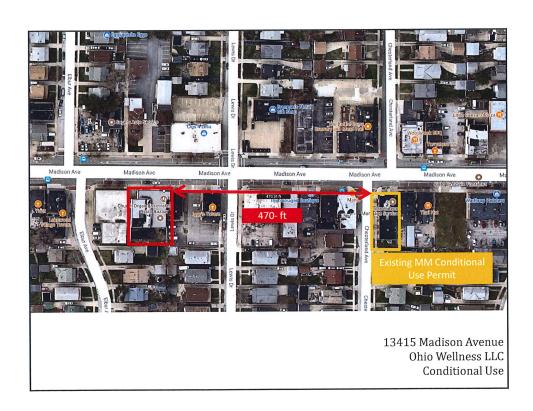
11730 Detroit Avenue Reidy Bros. & Flanagan Furniture Co. Designation of a Historic Property

Request

The review and approval of a Conditional Use in order to operate the Ohio Wellness LLC medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

13415 Madison Avenue Ohio Wellness LLC Conditional Use

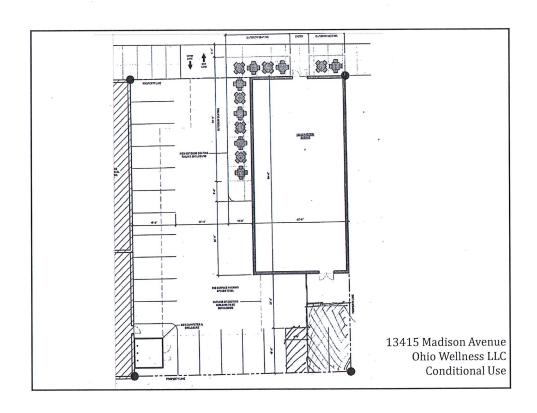
CHAPTER 1165 • Outside of 500' buffer zone. • Within 1,000' of another approved conditional use permit. • 1165.05 Commission may require an off-street parking plan. 13415 Madison Avenue Ohio Wellness LLC Conditional Use

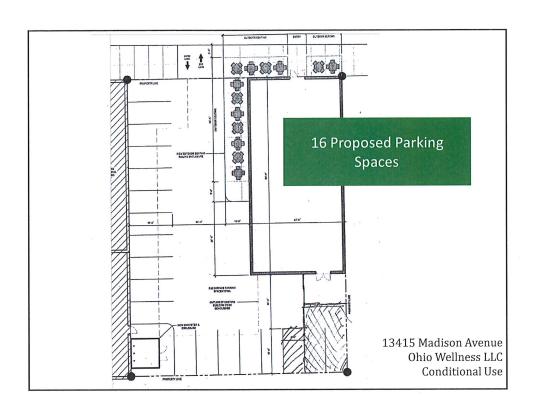


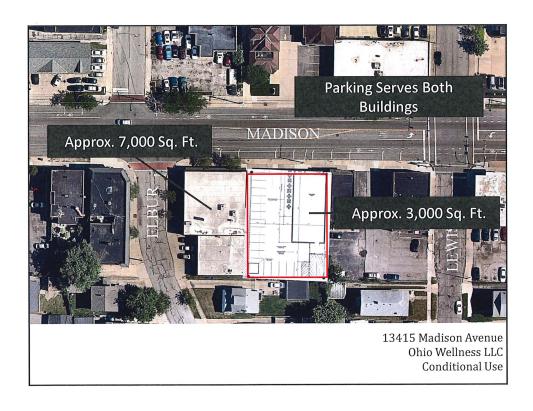


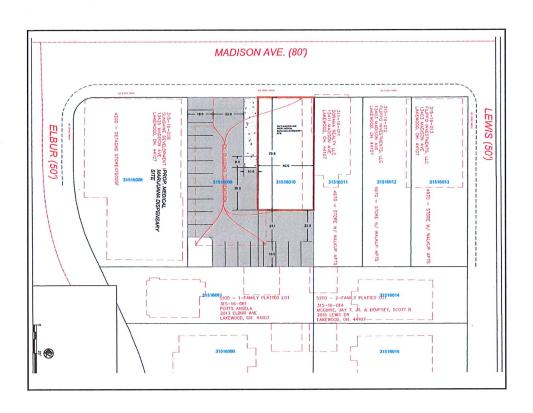


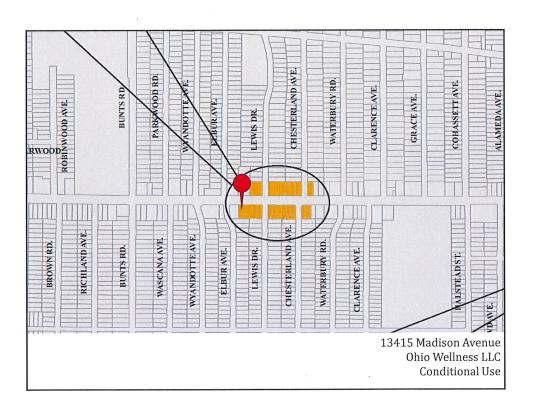


















Recommended Conditions of Approval

- The security plan is approved by the Chief of Police,
- A security guard will be onsite for all operating hours,
- The building is renovated to code with ABR approval and signage is ABR
- Comply with all city business licensing requirements,
- Compliant with all state codes and licenses granted,
- Mandatory one year annual review,
- Mandatory one year annual review,
 The Conditional Use permit will be automatically revoked if any applicant to whom the Commission previously granted a conditional use permit for a medical marijuana dispensary: marijuana dispensary: 1. has obtained both a state dispensary license and a local dispensary license; and
 - 2. would have its dispensary located within 1,000 feet of the dispensary to be operated by this applicant.

13415 Madison Avenue Ohio Wellness LLC Conditional Use

Request

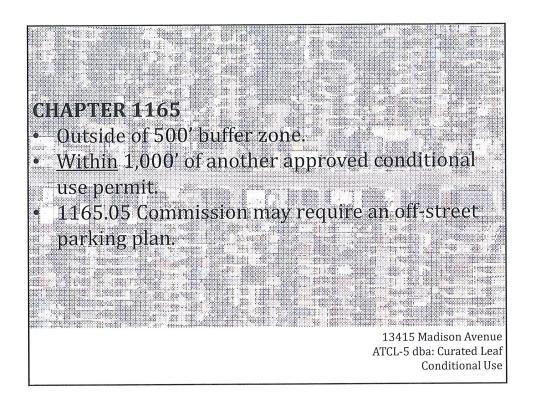
Request
The review and approval of a Conditional Use in order. to operate the Ohio Wellness LLC medical marijuana business; pursuant to Section 1129.02 - principal and conditional permitted uses. The property is located in a C2 Commercial, Retail district.

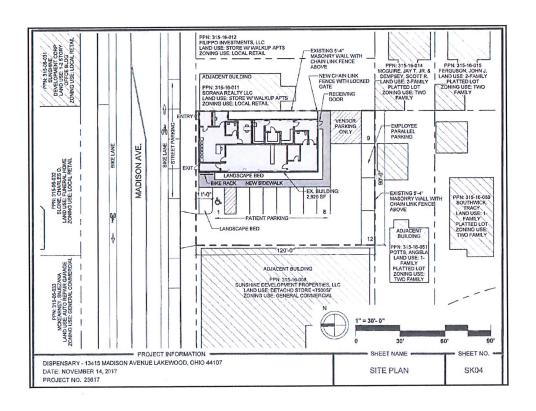
13415 Madison Avenue Ohio Wellness LLC Conditional Use

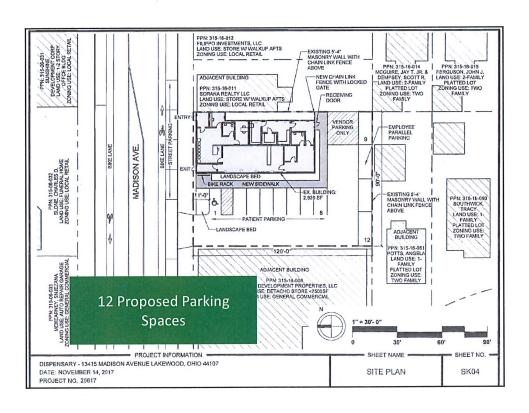
Request

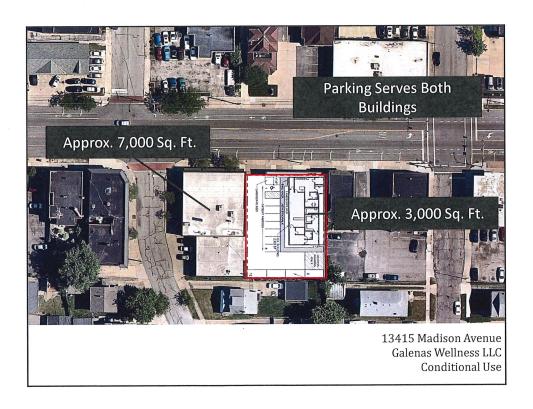
The review and approval of a Conditional Use in order to operate the ATCL 5 dba Curated Leaf medical marijuana business approximately 2,920 sq. ft. with 12 parking spaces on site; pursuant to Section 1129.02 principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

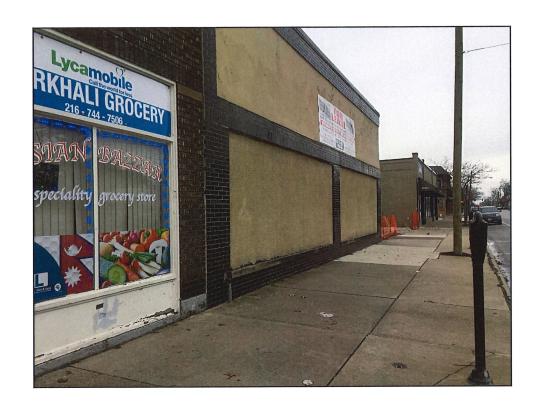
13415 Madison Avenue ATCL-5 dba: Curated Leaf Conditional Use















Recommended Conditions of Approval

- The security plan is approved by the Chief of Police,
- A security guard will be onsite for all operating hours,
- The building is renovated to code with ABR approval and signage is ABR approved,
- There is an appropriate parking plan on file,
- Comply with all city business licensing requirements,
- Compliant with all state codes and licenses granted,
- Mandatory one year annual review;
- Mandatory one year annual review,
 The Conditional Use permit will be automatically revoked if any applicant to whom the Commission previously granted a conditional use permit for a medical marijuana dispensary: L. has obtained both a state dispensary license and a local dispensary license; and
 - 2. would have its dispensary located within 1,000 feet of the dispensary to be operated by this applicant

13415 Madison Avenue ATCL-5 dba: Curated Leaf Conditional Use

Request

Request
The review and approval of a Conditional Use. in order to operate the ATCL 5 dba Curated Leaf medical marijuana business approximately 2,920 sq. ft. with 12 parking spaces on site; pursuant to Section 1129.02 principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

13415 Madison Avenue ATCL-5 dba: Curated Leaf Conditional Use

Requiest

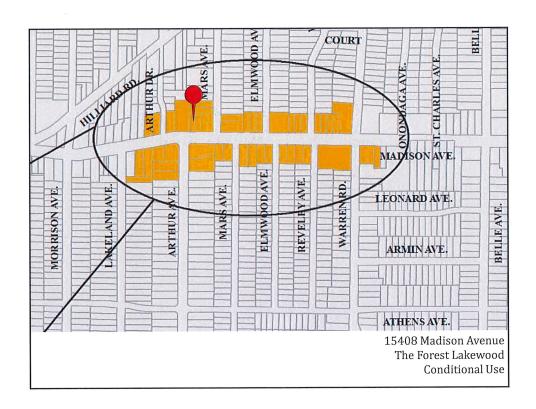
The review and approval of a Conditional Use in ... order to operate The Forest Lakewood, LLC medical marijuana business; pursuant to Section 1129.02 principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

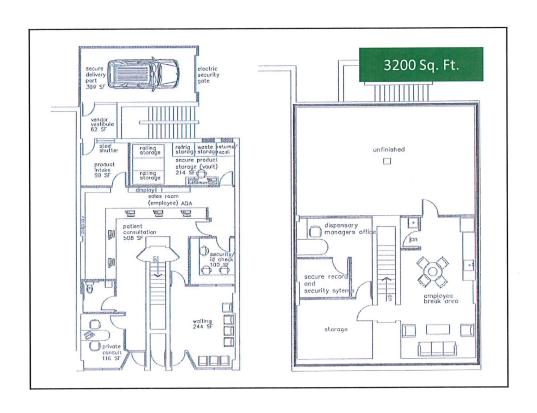
> 15408 Madison Avenue The Forest Lakewood Conditional Use

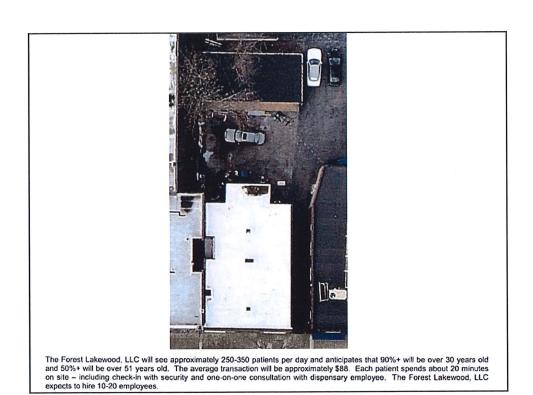
CHAPTER 1165 • Outside of 500' buffer zone. • Not within 1,000' of another approved conditional use permit.. • 1165.05 Commission may require an off-street parking plan. 15408 Madison Avenue The Forest Lakewood Conditional Use

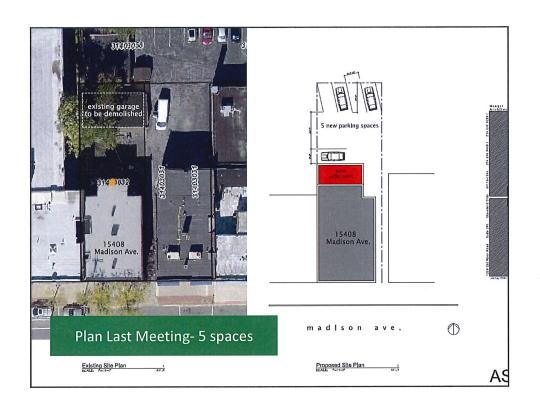


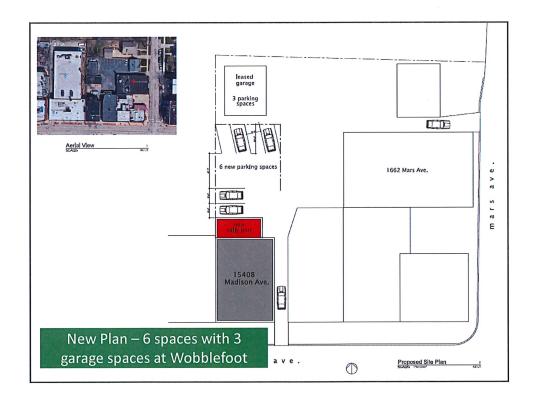






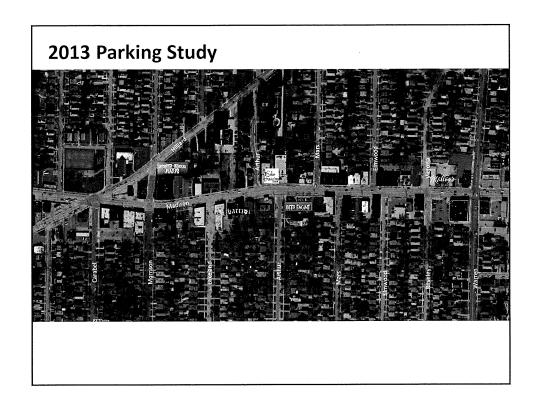


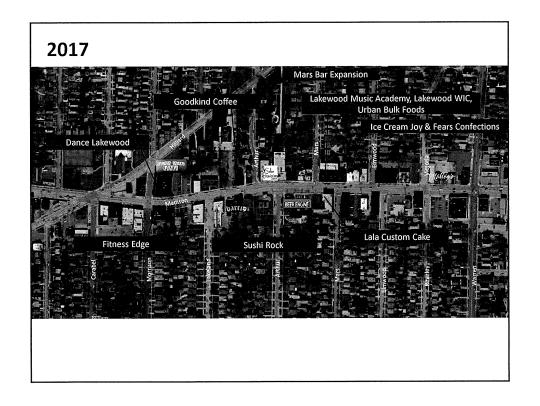


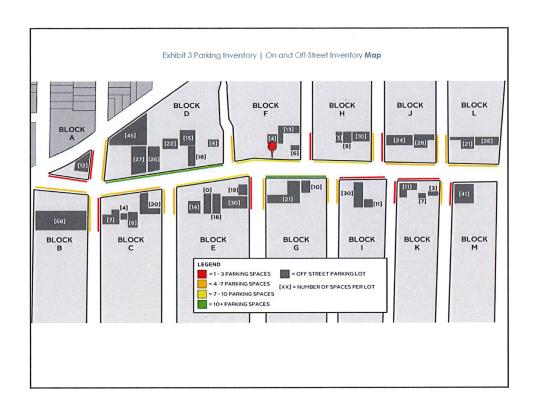


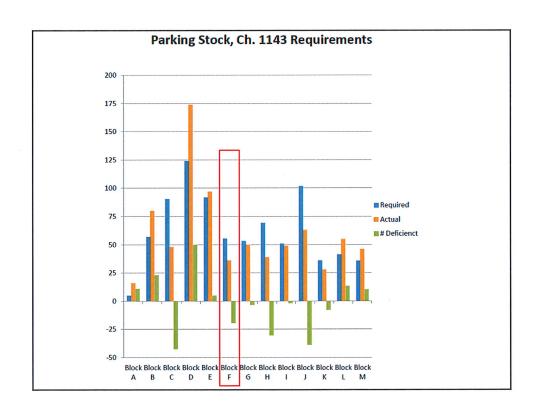


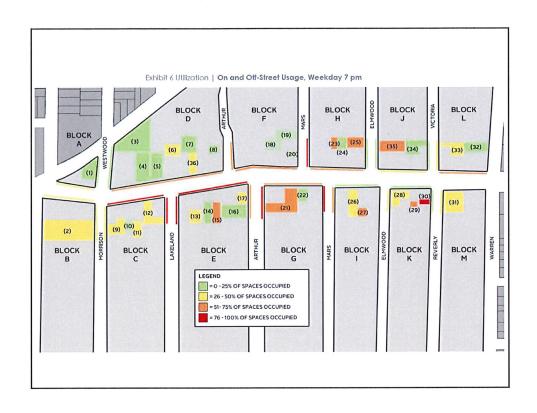


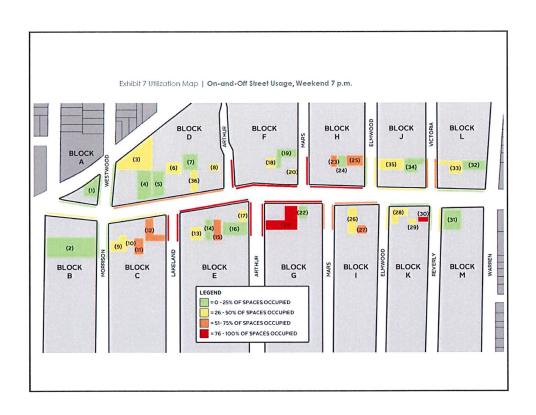


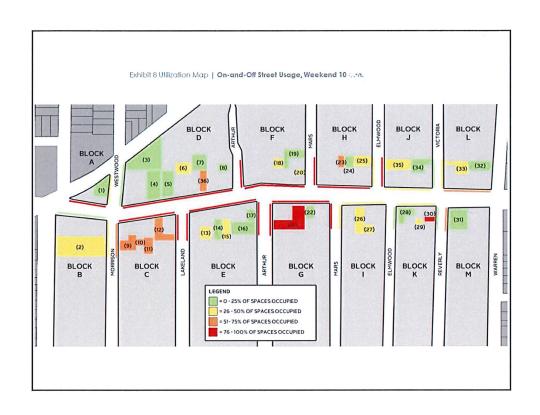






























Previous Conditions of Approval

Balland Januar

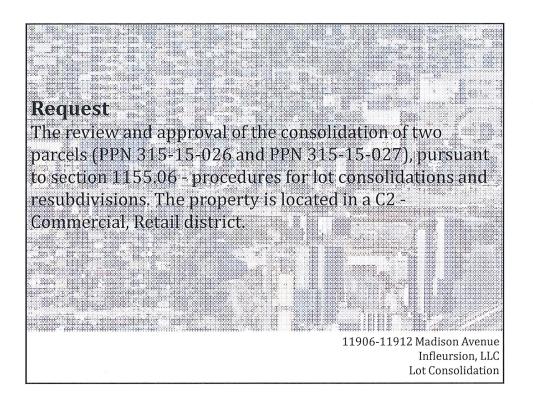
- The security plan is approved by the Chief of Police,
- A security guard will be onsite for all operating hours,
- The building is renovated to code with ABR approval and signage is ABR approved,
- There is an appropriate parking plan on file,
- Comply with all city business licensing requirements;
- Compliant with all state codes and licenses granted,
- Mandatory one year annual review.

15408 Madison Avenue The Forest Lakewood Conditional Use

Request

The review and approval of a Conditional Use in order to operate The Forest Lakewood, LLC medical marijuana business; pursuant to Section 1129.02 principal and conditional permitted uses. The property is located in a C2 - Commercial, Retail district.

15408 Madison Avenue The Forest Lakewood Conditional Use



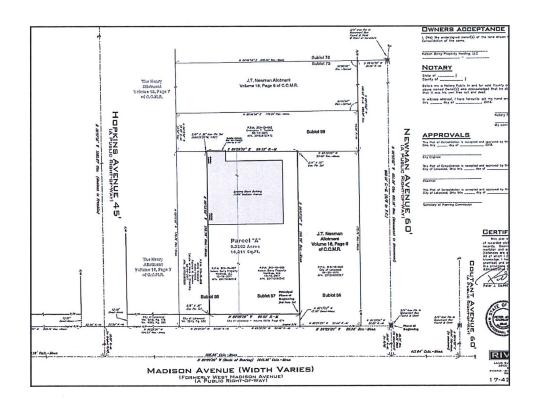


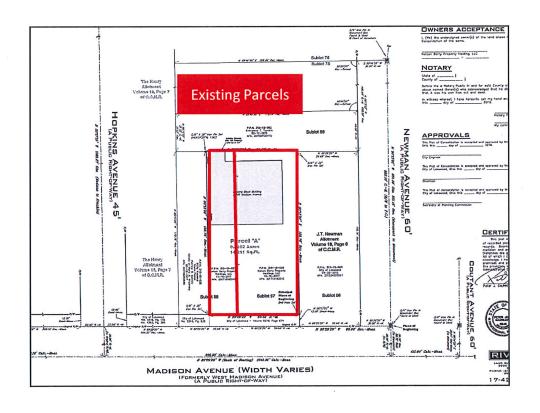


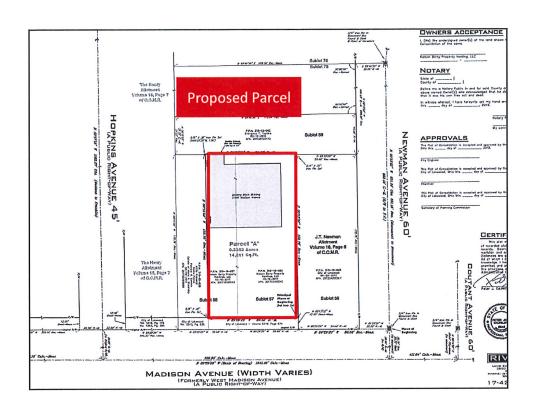
11906-11912 Madison Avenue Infleursion, LLC Lot Consolidation



Lot Consolidation





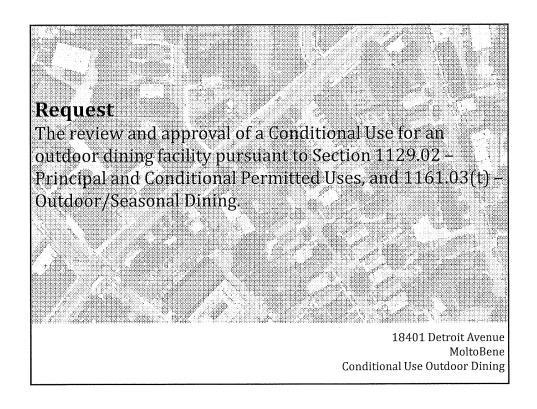








Request The review and approval of the consolidation of two parcels (PPN 315-15-026 and PPN 315-15-027), pursuant to section 1155.06 - procedures for lot consolidations and resubdivisions. The property is located in a C2 - Commercial, Retail district. 11906-11912 Madison Avenue Infleursion, LLC Lot Consolidation



- The total number of seats shall not exceed 25% of the maximum number of previously approved indoor seats
- Operate only between the hours of 11:00 a.m. and 10:00 p.m.
 Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday
- Open between the months of April through and inclusive of October. Where the Outdoor/Seasonal Dining Facility is located entirely on private property, it may be permitted to operate year-round upon approval of the Planning Commission.

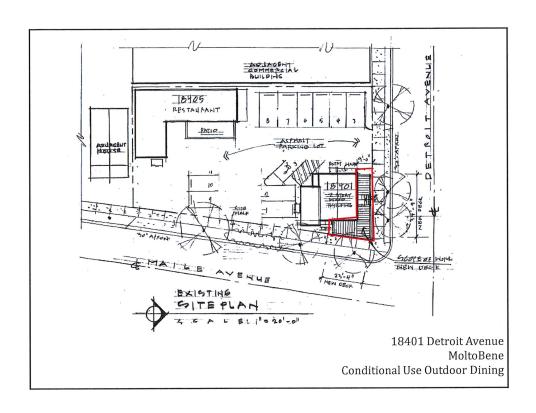
18401 Detroit Avenue MoltoBene Conditional Use Outdoor Dining

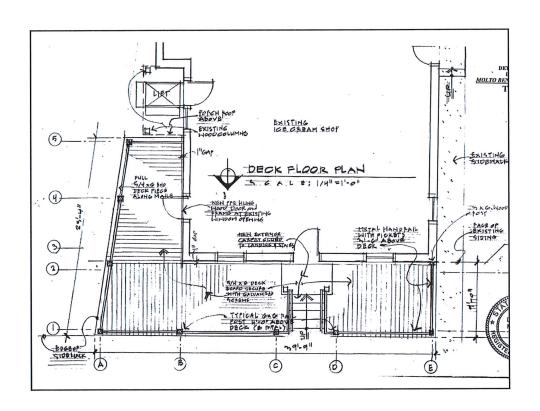


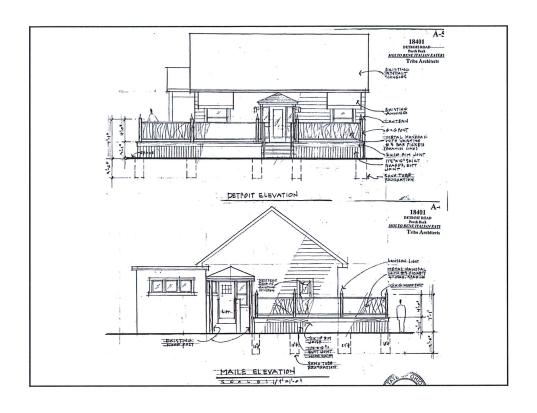
18401 Detroit Avenue MoltoBene Conditional Use Outdoor Dining

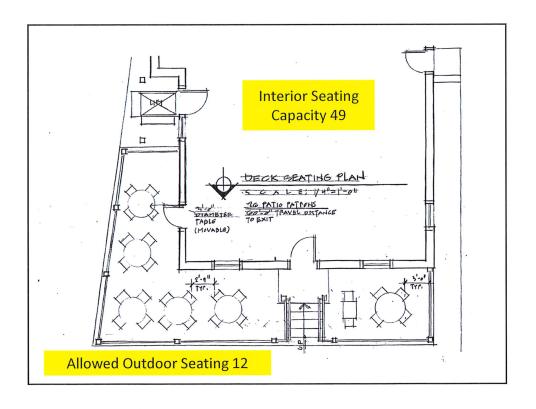










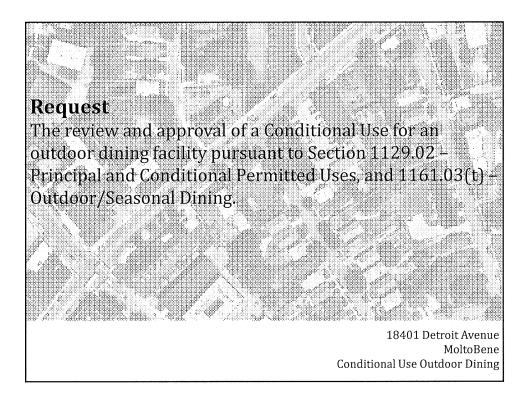




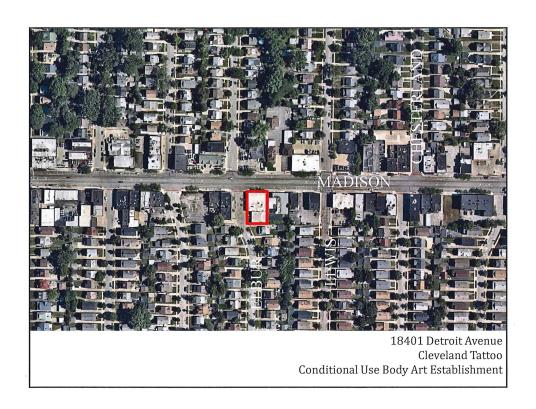


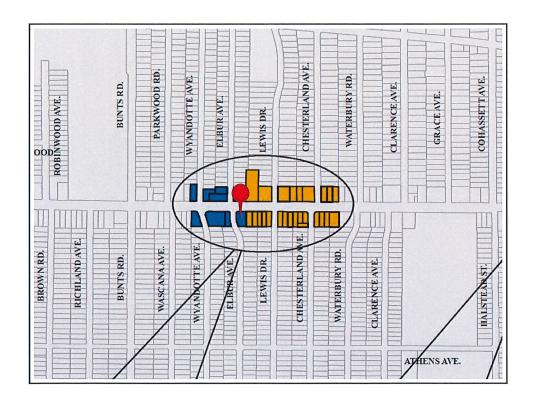




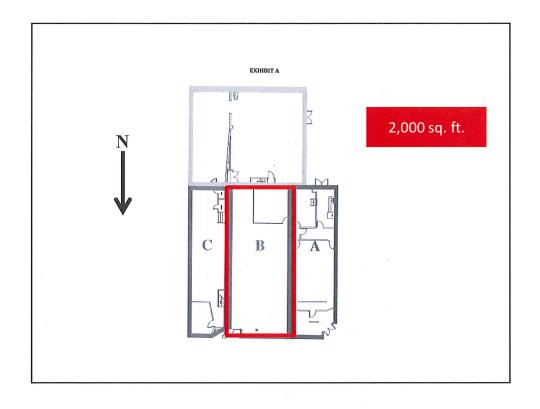


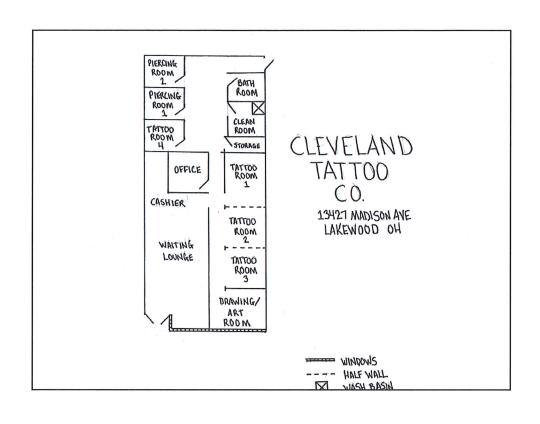
Request The review and approval of a Conditional Use for a body art establishment pursuant to Section 1129.02 - Principal and Conditional Permitted Uses, and 1161.03(z) -Body Art Establishments. 18401 Detroit Avenue Cleveland Tattoo Conditional Use Body Art Establishment

















Request

The review and approval of a Conditional Use for a body art establishment pursuant to Section 1129.02 – Principal and Conditional Permitted Uses, and 1161.03(z) – Body Art Establishments.

18401 Detroit Avenue Cleveland Tattoo Conditional Use Body Art Establishment

Request

1134.03(b): Nomination of a Historic Property

The Heritage Advisory Board may propose to the Commission nominations of a building as an HP. Proposals for nomination must be on one or more standard publicly available forms promulgated by the Heritage Advisory Board. A proposal for nomination shall specify which specific site improvements are included in the proposal for nomination, and any improvements not specified shall be deemed not to have been nominated.

13314 Detroit Avenue Detroit-Clarence Medical Building. Nomination for Historic Property



13314 Detroit Avenue Detroit-Clarence Medical Building. Nomination for Historic Property

13314 Detroit Avenue

Detroit-Clarence Medical Building. Nomination for Historic Property

Considerations for Nomination: (Check all that apply to the property) (1) Has character, interest or value as part of the heritage of the City, region, State of Ohio or United States; (2) The location is the site of a significant historic event; (3) Associated with a person or persons who significantly contributed to the historic development of the City; (4) Exemplifies the cultural, economic, social, archeological, or historic heritage of the City; [(5) Reflects the environment of a group of people in an era of history characterized by a distinctive architectural style; (6) Reflects distinguishing historical characteristics of a group of people in an era of history characterized by a distinctive architectural style; [17] The work of an architect or master builder whose individual work has influenced the development of the City; (8) Embodies elements of architectural design, detail, materials or craftsmanship which represent a significant architectural style or technological innovation; (9) Possesses a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City; ☐ (10) The likelihood of yielding information important to the understanding of prehistory or history. Additional Considerations: (Must meet both for eligibility) (1) Must have a high degree of historic integrity, without excessive loss of architectural or historic character. (2) Must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development, a shared architectural style or design, or a body of architecture illustrating the evolution of architectural styles over a period of time.









Request

1134.03(b): Nomination of a Historic Property

The Heritage Advisory Board may propose to the Commission nominations of a building as an HP. Proposals for nomination must be on one or more standard publicly available forms promulgated by the Heritage Advisory Board. A proposal for nomination shall specify which specific site improvements are included in the proposal for nomination, and any improvements not specified shall be deemed not to have been nominated.

13314 Detroit Avenue Detroit-Clarence Medical Building. Nomination for Historic Property

